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Attorneys for Mr. Mario Barron-Galvan

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
(HONORABLE MARILYN L. HUFF)

UNITED STATES OF AMERICA,) CASE NO. 07cr3469-H
v. Plaintiff,) DATE: January 28, 2008
MARIO BARRON-GALVAN,) TIME: 2:00 p.m.
Defendant.) NOTICE OF MOTIONS:
) (1) TO COMPEL DISCOVERY;
) (2) TO DISMISS INDICTMENT DUE
) TO MISINSTRUCTION;
) (3) TO DISMISS INDICTMENT FOR
) FAILURE TO ALLEGE ELEMENTS
) (4) TO STRIKE SURPLUSAGE; AND,
) (5) FOR LEAVE TO FILE FURTHER
) MOTIONS

TO: KAREN P. HEWITT, UNITED STATES ATTORNEY, AND
WILLIAM HALL, ASSISTANT UNITED STATES ATTORNEY:

PLEASE TAKE NOTICE that on **January 28, 2008**, at 2:00 p.m., or as soon thereafter as counsel may be heard, the defendant, Mario Barron-Galvan, by and through his counsel, Robert Rexrode, will ask this Court to enter an order granting the following motions.

MOTIONS

The defendant, Mario Barron-Galvan, by and through his attorney, Robert Rexrode, pursuant to the United States Constitution, the Federal Rules of Criminal Procedure, and all

1 other applicable statutes, case law and local rules, hereby moves this Court for an order:

- 2 1) to compel discovery;
3 2) to dismiss the indictment due to misinstruction;
4 3) to dismiss the indictment for failure to allege elements;
4 4) to strike surplusage; and,
4 4) for leave to file further motions.

5 These motions are based upon the instant motions and notice of motions, the attached
6 statement of facts and memorandum of points and authorities, and all other materials that
7 may come to this Court's attention at the time of the hearing on these motion.

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9 Respectfully submitted,

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11 Dated: January 16, 2008

/s/ Robert H. Rexrode
ROBERT H. REXRODE, III
Attorneys for Mr. Barron-Galvan
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